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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,260	12/09/2003	Toshifumi Otsubo	2038-310	3334
7590 06/23/2009 LOWE HAUPTMAN GILMAN & BERNER, LLP Suite 300 1700 Diagonal Road Alexandria, VA 22314			EXAMINER HAND, MELANIE JO	
			ART UNIT 3761	PAPER NUMBER
			MAIL DATE 06/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10730260	12/9/2003	OTSUBO, TOSHIFUMI	2038-310

EXAMINER

MELANIE J. HAND

ART UNIT	PAPER
3761	20090615

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. The reply filed on April 6, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant amended independent claim 15 to include the limitation of joining sites arranged between the transversely opposite side edges of the absorbent structure. This amendment renders claim 15, as well as dependent claims 5 and 23, drawn to a non-elected embodiment for the same reason that claims 3, 6-14, 16, 18-21 and 24-29 were withdrawn in the previous action. Examiner's reason for the withdrawal was clearly explained. The election by original presentation of claims 5, 15 and 23 was based upon the reasoning that an embodiment in which there are joining sites in a middle zone or anywhere between the side edges of the absorbent structure that is not in the vicinity of the side edges or along the side edges themselves is physically mutually exclusive with respect to an embodiment in which there are only joining sites along the side edges and in the vicinities of the side edges of the absorbent structure. Examiner never raised the issue of a search burden and claim 3 as amended in the last action does not recite subject matter previously examined, contrary to applicant's assertion. Therefore claims 5, 15 and 23 are now withdrawn from consideration as being drawn to a non-elected invention, leaving no claims to be examined. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

/Melanie J Hand/
Examiner, Art Unit 3761